

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MARLISE BOYER, )  
vs. Plaintiff, )  
KROGER LIMITED PARTNERSHIP, )  
Defendant. )      Case No. 19-CV-58-SMY

**MEMORANDUM AND ORDER**

**YANDLE, District Judge:**

Plaintiff Marlise Boyer filed a Complaint (Doc. 2) asserting an age discrimination employment claim against Defendant Kroger Limited Partnership and a Motion for Leave to Proceed *in forma pauperis* (Doc. 3). Boyer's claims were screened pursuant to 28 U.S.C. § 1915(e)(2) and her Complaint was dismissed with prejudice because her claims were not within the scope of her Charge of Discrimination ("Charge"). This Court also found that her claims were time-barred because her Charge was submitted more than 300 days after the date of the alleged harm. Judgment was entered on April 4, 2019 (Doc. 4). Now pending before the Court is Boyer's Motion for Reconsideration filed on May 6, 2019 (Doc. 6). For the following reasons, the Motion is **DENIED**

A motion to reconsider filed more than 28 days after the entry of judgment is construed in accordance with Federal Rule of Civil Procedure 60(b). *Banks v. Chicago Bd. Of Educ.*, 750 F.3d 663, 666 (7th Cir. 2014). Rule 60(b)(1) permits a party relief from judgment on several bases including mistake and Rule 60(b)(6) allows for relief for "any other reason justifying relief from the operation of judgment." However, relief under Rule 60(b) is extraordinary and is only granted in exceptional circumstances. *United States v. 8136 S. Dobson St., Chicago Ill.*, 125 F.3d 1076,

1082 (7th Cir. 1997). “Neither ignorance nor carelessness on the part of the litigant or his attorney provide grounds for relief under Rule 60(b)(1).” *Kagan v. Caterpillar Tractor Co.*, 795 F.2d 601, 607 (7th Cir. 1986) (quoting *Ben Sager Chemicals International v. E. Targosz & Co.*, 560 F.2d 805, 809 (7th Cir. 1977)).

For her Motion, Boyer asserts:

I request to reconsider the Court’s initial ruling in the Complaint. I am making an assumption that I presented the dates in the argument incorrectly and as such I am actually not time-barred” (Doc. 6).

She neither includes the correct dates nor explains how her claims fall within the Charge. As such, she provides no reason, extraordinary or otherwise, why she is entitled to Rule 60(b) relief. Accordingly, the Motion is denied.

**IT IS SO ORDERED.**

**DATED: December 16, 2019**

  
The image shows a handwritten signature of "Staci M. Yandle" in black ink. Below the signature is a circular official seal. The seal contains a central shield with a figure, surrounded by the text "UNITED STATES DISTRICT COURT" and "SOUTHERN DISTRICT OF FLORIDA".

**STACI M. YANDLE**  
**United States District Judge**